

DONES

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3

Q. What about the trial or the hearing?

4

MR. GREENWALD: The trial room?

5

MS. WALKER-DIALLO: Yes.

6

A. The trial room I think was in February 2006.

7

Q. What was the outcome of the trial room?

8

A. I don't remember exactly. I think it was they

9

found me guilty of using department computers, and I think

10

that might have been it. I don't remember, but I can find

11

that out, too.

12

MR. GREENWALD: Do you have information at

13

home?

14

THE WITNESS: Yes.

15

MR. GREENWALD: Leave a blank and fill in what

16

the findings were.

17

18

19

Q. Did you testify at that trial room?

20

A. Yes.

21

Q. At the trial room were you represented by counsel?

22

A. Yes.

23

Q. Who was your counsel at the trial room?

24

A. It was the DEA attorney, Phil Karysek.

25

MS. WALKER-DIALLO: Please mark this as

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1 Defendants' Exhibit A.

2 (Whereupon, the aforementioned document was
3 marked as Defendants' Exhibit A for identification
4 as of this date by the Reporter.)

5 Q. I will show you what has been marked as Defendants'
6 Exhibit A.

7 MS. WALKER-DIALLO: For the record, it is
8 document Bates-stamped 00226228, it was produced by
9 your attorney, it is a memo from Detective Dones to
10 Phil Karysek.

11 MR. GREENWALD: Okay.

12 Q. Did you have a chance to take a look at this
13 document?

14 A. Briefly, yes.

15 Q. Have you seen this document before?

16 A. Yes.

17 Q. I guess -- what is this document?

18 A. It's my recollection of what had happened that day.

19 Q. Mr. Karysek, was he at the DEA?

20 A. He's the attorney.

21 Q. Do you recall when you sent him this document?

22 A. Not exactly, no.

23 Q. Do you recall if it was in reference to the trial
24 room hearing?

25 A. No.

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1 Q. Let me narrow this down.

2 Do you recall sending this at all around the time
3 that the incident happened, in July of 2004?

4 A. This happened, yes, I remember sending him this.
5 This happened after they went to my house.

6 Q. This happened, meaning the memo?

7 MR. GREENWALD: By counsel, the memo starts on
8 July 8, 2004, and describes events that occurred.
9 So obviously it couldn't have been before. It had
10 to be afterwards.

11 MS. WALKER-DIALLO: I am trying to figure out
12 how long after. He didn't say when. I could be
13 three years after.

14 MR. GREENWALD: But I object to the form of
15 the question. Just ask him when the memo was
16 prepared.

17 MS. WALKER-DIALLO: I did. He said he didn't
18 recall.

19 A. During that week.

20 Q. During that week?

21 A. Yes.

22 Q. Thank you very much.

23 Did Mr. Karysek ask you to send this to him?

24 A. I don't remember if it was him or the people from
25 the DEA, I don't remember.

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1 Q. You say he was your counsel at the trial hearing or
2 am I incorrect?

3 MS. WALKER-DIALLO: He said the lawyer.

4 MR. GREENWALD: He said he was a lawyer, but I
5 thought with the prosecutor's office.

6 A. No, he was our DEA lawyer.

7 MR. GREENWALD: Was he representing you?

8 THE WITNESS: He was representing me.

9 MS. WALKER-DIALLO: I just want to ask one or
10 two more questions and take a quick break. Let's
11 mark this as Defendant's Exhibit B.

12 (Whereupon, the aforementioned document was
13 marked as Defendants' Exhibit B for identification
14 as of this date by the Reporter.)

15 Q. Mr. Dones, I will show you what has been marked as
16 Defendants' Exhibit B. It's a handwritten note. I ask that
17 you just take a minute to look at it and let me know when
18 you're done.

19 A. Okay.

20 Q. Have you seen this document before?

21 A. Yes.

22 Q. Is this your handwriting?

23 A. Yes.

24 Q. Did you send this document to anyone?

25 A. I don't remember if I sent or if I gave this to

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1 Phil Karysek or if I gave him the typewritten one, I don't
2 remember, or if I gave him both.

3 Q. Did you write Defendants' Exhibit B, and then was
4 Defendants' Exhibit B typed up to be Defendants' Exhibit A?

5 MR. GREENWALD: By counsel, having looked at
6 it, there are differences. I'm not talking about
7 material differences, but it's not a straight
8 transcript. In other words, this is not -- the
9 typewritten version, which has been marked as
10 Defendants' Exhibit A, is not a direct rendition of
11 this. It contains a lot of the same information, a
12 lot of the same stuff, but it's not a straight
13 transcription as in comparison to each other.

14 Q. Why did you write Defendants' Exhibit B, this one,
15 the handwritten one?

16 A. This was my -- I wrote it when I was home, the
17 incident, what had happened with the incident.

18 Q. That same day?

19 A. I think it was the same day or the day after, I
20 don't remember exactly.

21 Q. Did you use Defendants' Exhibit B, which you say
22 you'd just written up, to type up Defendants' Exhibit A?

23 A. I think so, yes.

24 Q. So Defendants' Exhibit B is your recollection of
25 what happened that day, being July 8, 2004?

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1 A. Yes. Also, I think the back page is like 14, 15.
2 These were at the trial room, I think these were written
3 down. I don't think these were connected with --

4 Q. I see.

5 MR. GREENWALD: By counsel, he's referring,
6 first of all --

7 MS. WALKER-DIALLO: I will identify what the
8 documents are. Defendants' Exhibit B is document
9 Bates stamped 00005 to 00016.

10 Q. Plaintiff has just identified the last two pages or
11 three pages?

12 A. 0014.

13 Q. To 0016?

14 A. Correct.

15 Q. It's not a part of the memo?

16 A. Right, I don't think so. I think this was at the
17 trial room, notes.

18 Q. Notes you took at the trial room?

19 A. Yes.

20 MS. WALKER-DIALLO: Let's take a quick
21 five-minute break.

22 (Whereupon, a short recess was taken.)

23 MS. WALKER-DIALLO: Back on the record.

24 Please mark the next document as Defendants'
25 Exhibit C.

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1 (Whereupon, the aforementioned document was
2 marked as Defendants' Exhibit C for identification
3 as of this date by the Reporter.)

4 MR. GREENWALD: Are you going to ask him
5 questions about the complaint?

6 MS. WALKER-DIALLO: Yes, sir.

7 MR. GREENWALD: He did not sign the complaint.
8 It's not a verified complaint.

9 MS. WALKER-DIALLO: I know he did not sign the
10 complaint, and I know it is drafted by an attorney,
11 but the facts concerning the event is his claim. I
12 will not ask him about any legal conclusions or
13 anything like that.

14 MR. GREENWALD: I will deal with it on a
15 question-by-question basis. Just so long as it's
16 clear on the record that the document was not
17 signed by my client.

18 MS. WALKER-DIALLO: That's fine.

19 Q. I will show you what's been marked as Defendants'
20 Exhibit C, and ask that you take a look at the document.
21 When you're done, just let me know.

22 A. Okay.

23 Q. Have you ever seen this document before?

24 A. No.

25 Q. I am not asking you about the substance of any

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1 conversations with your attorney. Did you meet with an
2 attorney by the name of George Fontana concerning this case?

3 A. Yes, I think so, yes.

4 Q. Did Sergeant Teran ever talk to you about the
5 decision to place you on modified duty?

6 MR. GREENWALD: I think that's been asked and
7 answered. Over my objection, you can answer again.

8 A. I don't understand the question.

9 Q. Who informed you that you were going to be placed
10 on modified duty?

11 A. It was when Captain Scollan, during the phone call,
12 when he called me at group one.

13 Q. Did Sergeant Teran ever say anything to you about
14 your placement on modified duty?

15 A. No, the only thing that Sergeant Teran said was if
16 I don't do the phone call, I might lose my detail.

17 Q. I think you talked about it before, but can you
18 just refresh my recollection, "lose detail," what does that
19 mean again?

20 MR. GREENWALD: Again, and I see where this is
21 going because this is the factual background, it
22 is exactly what he has testified to.

23 MS. WALKER-DIALLO: I am not going anywhere.

24 MR. GREENWALD: Over my objection as asked and
25 answered, I will let him answer it again, but

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1 hopefully I won't have to do it again.

2 THE WITNESS: Repeat the question because I
3 lost it.

4 MS. WALKER-DIALLO: I did, too. Please read
5 it back.

6 (Whereupon, the referred-to question was read
7 back by the Reporter.)

8 Q. Lose detail?

9 A. I understood it to mean they would transfer me out
10 of group 51.

11 Q. When you say transfer out of group 51, on to
12 modified duty, is that what you thought that meant?

13 A. No, I thought they were just going -- group 51 is a
14 specialized unit, it's very -- what word should I use, it's
15 very -- a lot of people want to get into that unit, it's
16 very, you know.

17 MR. GREENWALD: Elite.

18 A. Elite unit. I thought they would just get me out
19 of group 51 and send me somewhere else.

20 Q. Did Lieutenant Mejia ever say anything to you about
21 your placement on modified duty?

22 A. In which way? I don't understand.

23 Q. Did he ever talk to you about Scollan's decision to
24 place you on modified duty?

25 A. No, I lost contact with these people after this

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1 happened. I never spoke to them again.

2 Q. And I ask the same question for Morton, Defendant
3 Morton, did you ever have a conversation with Sergeant Julius
4 Morton about the decision to place you on modified duty?

5 A. No, I don't recall that, no.

6 Q. After July 8, 2004, the day of the incident, did
7 you ever speak to Sergeant Morton again?

8 A. After the incident, no, I didn't speak to any of
9 these guys.

10 Q. And just for clarification, "any of these guys"
11 means Sergeant Morton, Lieutenant Mejia, Frank Teran, and
12 Deputy Inspector Scollan; is that correct?

13 A. Correct.

14 Q. The day of the incident, July 8, 2004, do you
15 recall how many times you requested an attorney or a union
16 rep?

17 A. To the best of my recollection, I told him when the
18 questioning, I told him I wanted an attorney.

19 Q. That was at the house?

20 A. That was in front of my building, yes. And then
21 when Captain Scollan called me, I had told him, "Listen, you
22 guys held me here all day without legal representation and
23 without union representation," I told him then.

24 Q. The first time in front of the building you said
25 you wanted an attorney?

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1 A. Yes.

2 Q. Did you mention the union at that point?

3 A. I mentioned both. I said I wanted to go to the
4 48th precinct so I could speak to a delegate, so I could get
5 an attorney.

6 Q. And the next time you said you told Scollan, where
7 were you at that point, was that at Yankee Stadium or at
8 group one?

9 A. That was at group one, when he had called on the
10 cell phone.

11 Q. You told him you wanted an attorney and your union
12 delegate again?

13 A. No, I had told him he had held me there all day and
14 I didn't get a meal, I didn't speak to any union,
15 representative, and I didn't speak to an attorney, that he
16 held me there without legal representation. I informed him
17 that.

18 Q. What did he say, if anything?

19 A. No, he just said, don't worry, I'm going to get
20 paid for the day.

21 Q. After July 8, 2004, did you ever complain to
22 someone within NYPD about what happened that day?

23 MR. GREENWALD: Within NYPD?

24 A. You mean with the union?

25 Q. No, with the NYPD.

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1 MR. GREENWALD: Did you file any kind of
2 complaint, formal complaint, or make an oral
3 complaint with anybody at NYPD about what happened
4 on July 8, 2004?

5 THE WITNESS: No, I spoke to the union about
6 it, I didn't speak to anybody from the NYPD. They
7 are supposed to represent me, so I figured we bring
8 grievances to them and they fight for us.

9 Q. To your knowledge, did they file a grievance
10 concerning the July 8th incident?

11 A. I don't know.

12 Q. The G015, was that in relation to what happened on
13 July 8, 2004? Let me clarify that.

14 Was the subject of the G015 about what happened on
15 July 8, 2004?

16 A. I don't know if it was exactly because of what
17 happened that day. I think it was based on the whole overall
18 investigation.

19 Q. The overall investigation being into Mr. Vasquez,
20 or what do you mean by the overall investigation?

21 A. My understanding is when there is an investigation
22 going on, they have to question everybody that they think is
23 involved in the investigation, so generally I think it was
24 because of the whole investigation. I don't know exactly
25 what, you know, what role I played in it.

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1 Q. That's fair.

2 Were you ever out of work for health reasons while
3 you were employed with the NYPD, like out on sick leave,
4 medical leave?

5 MR. GREENWALD: I object. What's the purpose
6 of that? We're not claiming a physical injury in
7 this case. I mean, by the bringing of a lawsuit,
8 it does not call into question everything in his
9 life. Is there some basis for that question?

10 MS. WALKER-DIALLO: In paragraph 35 of the
11 complaint there is an allegation that he suffered
12 humiliation, as well as emotional pain and
13 suffering.

14 MR. GREENWALD: Right. Okay. And?

15 Q. Were you ever out of work as a result of any
16 emotional pain or suffering?

17 MR. GREENWALD: As a result of this incident?

18 MS. WALKER-DIALLO: Yes, if I can get out the
19 question. I am trying my best and you're like --

20 MR. GREENWALD: The question was improper.

21 MS. WALKER-DIALLO: It wasn't improper.

22 MR. GREENWALD: Yes, it was.

23 MS. WALKER-DIALLO: You want specifics, I am
24 giving you specifics.

25 MR. GREENWALD: First of all, the question

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1 changed. First you asked him about health reasons,
2 then you morphed it into something else.

3 MS. WALKER-DIALLO: I didn't morph it into
4 anything. You want specifics, I'm going to give
5 you specifics. I said health reasons. You
6 objected. I am giving you specifics. I am
7 directing you to paragraph 35 of the complaint,
8 which says, and I will read it into the record:
9 "As a direct and proximate consequence of
10 defendants' unlawful, discriminatory, and harassing
11 conduct, plaintiff has suffered loss of benefits
12 and privileges of his employment with the NYPD;
13 damage professionally, economically; suffered
14 humiliation; as well as emotional pain and
15 suffering."

16 MR. GREENWALD: And I asked you, after you
17 asked the question, whether or not it was relating
18 to this incident, which you had not related any of
19 your questions to. So now --

20 MS. WALKER-DIALLO: I just related it to the
21 question.

22 MR. GREENWALD: Fine. So now the question is,
23 did you miss any time from work as a result of this
24 incident.

25 MS. WALKER-DIALLO: Let me ask the questions.

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1 I'm the one asking the questions. If your client
2 doesn't understand the question, he can say, ma'am,
3 I don't understand what you're saying. It's
4 simple. We don't need to get into arguments over
5 this. I asked a broad question. You said
6 specifics, I pointed you to specifics. It's clear.

7 Q. The question is, were you ever out of work as a
8 direct or proximate consequence of what happened to you on
9 July 8, 2004? Specifically, there's emotional pain and
10 suffering. Were you out of work as a result of emotional
11 pain and suffering you said you suffered as a result of
12 July 8, 2004?

13 A. Was I ever out of work because of this incident?

14 Q. This is alleging that you suffered pain and
15 suffering as a result of July 8, 2004, and what happened
16 afterwards. My question is, did you take any days off from
17 work as a result of this emotional pain and suffering?

18 A. Can I confer with him for something?

19 Q. There is a question pending.

20 MR. GREENWALD: That's fine. Come confer with
21 me.

22 MS. WALKER-DIALLO: No, it's not fine. You
23 can't do that.

24 MR. GREENWALD: You have your objection on the
25 record. Come talk with me. The question is

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1 inappropriate.

2 MS. WALKER-DIALLO: It's not an inappropriate
3 question.

4 MR. GREENWALD: Which time, the fourth time
5 you got it out?

6 MS. WALKER-DIALLO: If you would let me get
7 the question out.

8 (Whereupon, a short recess was taken.)

9 MR. GREENWALD: My client points out to me
10 that the referenced paragraph does not say anything
11 about time out of work. That's why he was
12 confused.

13 MS. WALKER-DIALLO: First of all, if your
14 client is confused, he can say we don't know what
15 you're talking about.

16 MR. GREENWALD: That's why I'm here,
17 counselor. That's why I'm here.

18 MS. WALKER-DIALLO: No, you're not here to sit
19 here and tell me how to ask the question. If you
20 want to talk to me and say, well, maybe,
21 Ms. Walker-Diallo, what you're asking is -- you're
22 being condescending and you're being rude and I
23 don't appreciate it. You want me to be specific or
24 ask questions so that your client can understand, I
25 don't have a problem with doing that, but I'm not

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1 going to sit here and take this type of treatment,
2 I'm not.

3 MR. GREENWALD: What type of treatment? What
4 are you talking about?

5 Q. I specifically asked, were you ever out of work,
6 and if you don't understand the question, please say that and
7 I will try my best to rephrase it.

8 After this incident, which is July 8, 2004, up
9 until the time you went out on retirement in 2006, did you
10 ever take off from work as a result of any emotional pain and
11 suffering that you suffered from the event of July 8, 2004?
12 Do you understand the question, sir?

13 A. Yes. You're asking me did I lose -- did I take
14 days off from work after this incident happened.

15 Q. Not related to anything else, related to this case.

16 A. No.

17 Q. Thank you.

18 MS. WALKER-DIALLO: I just want to note for
19 the record, and I spoke to Ms. Cronan about this,
20 that we haven't received responses to our
21 interrogatories and document request.

22 Q. Aside from the named defendants, and I believe it
23 was a Sergeant Crowley and Agent Hosey that showed up at your
24 house on July 8, 2004, is there any other person that has any
25 knowledge and information concerning what happened that day?

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1 MR. GREENWALD: I object to the form of that
2 question. First of all, that encompasses
3 attorneys.

4 Q. I don't want to know what you spoke about with your
5 attorney.

6 Let's put it this way: Were there any witnesses to
7 what happened to you on July 8, 2004, in front of your
8 apartment?

9 A. Witnesses? Not that I know of.

10 Q. Let's move on to Yankee Stadium. Were there any
11 witnesses that you know of that saw what happened to you at
12 Yankee Stadium?

13 A. No, not that I know of.

14 Q. Let's move on to group one. Are there any
15 witnesses, to your knowledge, aside from the defendants that
16 were there, that saw what happened to you that day at group
17 one?

18 A. Well, I guess whoever was working at group one that
19 day knew what was going on.

20 Q. Do you know, were they officers?

21 A. I couldn't tell you if they were detectives,
22 sergeants, I couldn't tell you.

23 Q. Do you know the names of anyone who was working
24 that day that may have seen something, what happened to you?

25 A. No, but all you have to do is look at the log.

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1 MS. WALKER-DIALLO: Could you mark this next
2 document as Defendants' Exhibit D.

3 (Whereupon, the aforementioned document was
4 marked as Defendants' Exhibit D for identification
5 as of this date by the Reporter.)

6 Q. Detective Dones, I will show you what has been
7 marked as Defendants' Exhibit D. I ask that you take a look
8 at the document and let me know when you're done.

9 A. Okay.

10 Q. It's a one-page document Bates-stamped 00221. It
11 appears to be a log. The date is Thursday July 8, 2004.
12 Have you ever seen this document before?

13 A. No, this is the first time I've see it. I mean,
14 I've seen paperwork, but I don't know if I've seen this
15 before.

16 Q. Are you currently receiving retirement benefits
17 from the NYPD?

18 A. Pension, yes.

19 Q. Is that your only source of income?

20 A. Yes.

21 Q. Have you gone to see any medical doctors as a
22 result of the events of July 8, 2004?

23 A. No.

24 Q. Going back to paragraph 35 of the complaint where
25 we read into the record, I am just going to reference where,

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1 as a result of defendants' actions, you suffered -- you were
2 damaged professionally and economically. Can you tell me how
3 you were damaged economically?

4 MR. GREENWALD: Well, I have a problem with
5 that. That's a subject of expert testimony and
6 when you marked the complaint, you indicated you
7 were going to deal with just facts and not legal
8 conclusions. Damages is a legal conclusion.

9 MS. WALKER-DIALLO: I do not think that is a
10 legal conclusion.

11 MR. GREENWALD: It most certainly is. The
12 very word "damages" has legal import. At the time
13 of the trial, we're intending to present an
14 economist to talk about that, and you basically
15 violated what you said you were going to do with
16 the complaint.

17 MS. WALKER-DIALLO: I am not violating
18 anything.

19 MR. GREENWALD: That's a self-serving
20 statement.

21 MS. WALKER-DIALLO: It is not a self-serving
22 statement.

23 MR. GREENWALD: Sure it is.

24 MS. WALKER-DIALLO: If you want to be
25 argumentative, you can do that. Let's move on.

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1 Just for the record, the purpose of asking these
2 questions is also if this case ever tries to
3 settle, but whatever.

4 MR. GREENWALD: Like you're going to settle it
5 if he answers that question.

6 MS. WALKER-DIALLO: Nobody said that any
7 settlement or even trial depends on the answer to
8 the question.

9 MR. GREENWALD: You just implied it on the
10 record.

11 MS. WALKER-DIALLO: I said I asked the
12 question. I didn't say if he doesn't answer the
13 question, there goes the settlement. Let's move
14 on.

15 Q. It also says you suffered humiliation as well as
16 emotional pain and suffering. Can you tell me about the
17 emotional pain and suffering that you say that you suffered
18 as a result of defendants' actions?

19 A. Well, humiliation because I was in an elite unit.
20 I had never been in trouble with the NYPD. I did everything
21 that I was told to do with the NYPD. As a matter of fact,
22 when other undercovers didn't want to do a certain type of
23 job, I was called upon to do it, and I did it willingly.

24 When this incident happened, I got suspended for
25 30 days. My mother, my family, they all thought that I took

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1 30 days vacation, because this was no embarrassing to me that
2 none of them even knew that I was suspended. You know, it's
3 very humiliating when you've got to speak to people that
4 think that you're involved in some kind of criminal activity
5 when you weren't. And I was never even mentioned in any
6 criminal activity that I know of.

7 Until this day I'm still embarrassed. You know, I
8 don't even tell people that I'm a retired cop or anything,
9 usually -- unless I know the people, because this was very
10 embarrassing to me. I had a spotless record, I got great
11 evaluations, for me to be put through all this stuff, to be
12 harassed. Because like I said, they violated my civil and my
13 union rights here. A person who had a high school diploma,
14 high school education, grew up in the South Bronx knew this,
15 compared to sergeants and lieutenants who have bachelors or
16 associates degrees or masters degrees, and they didn't know
17 that they were violating my rules, my rights.

18 Q. Did you go speak to a therapist about how you were
19 feeling after this event?

20 A. Ma'am, believe it or not, I'm Latino, we don't
21 believe in going to hospitals unless we're practically dying.
22 You know, I can't go spend GHI money or some health insurance
23 money on something that -- unless I'm dying. You know, look,
24 I'm shaking now. It's an emotional problem that we go
25 through, but we settle it ourselves, because like I said,

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1 this is embarrassing. I don't even want to talk to anybody
2 about this incident.

3 Q. After this incident happened, did anyone, did any
4 officer or detective ever say anything to you about the
5 events?

6 Let me clarify. Did anyone ever -- I'm talking
7 about any NYPD officer or detective -- ever say anything to
8 you negatively about what happened on July 8, 2004?

9 A. Negatively in which way?

10 Q. You said you were embarrassed about what happened.
11 I am trying to get to whether anyone said anything to you on
12 the job that would have made you feel embarrassed?

13 A. Well, embarrassed in a way, like I said, going
14 through this incident, a man with a spotless record. Second
15 of all, the people who worked with me in group 51, they all
16 turned their back on me. I mean, how embarrassing is that?
17 I mean, you can't even count on people that worked with you,
18 that needed you for certain things, but then when this
19 incident happened, you were like, you know, a black sheep.

20 Q. Did they know the real reason as to why you were on
21 modified duty? The reason I said "real reason," you
22 testified previously that Deputy Inspector Scollan said it
23 would be a domestic incident, if I'm understanding correctly,
24 in the records as to why you were on modified duty?

25 MR. GREENWALD: I object to the form of the

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1 question, because it calls for the operation of
2 others' minds. You can ask him whether they said
3 anything to him, but you can't ask him what they
4 thought.

5 Q. Did you tell these officers at group 51 what
6 happened to you on July 8, 2004?

7 A. I spoke to some people, yes.

8 Q. Are these the same people that you believe treated
9 you differently?

10 A. Yes.

11 Q. Do you know whether any of the defendants informed
12 your coworkers about what happened on July 8, 2004?

13 A. I don't know. I don't know if they let anybody
14 know, but I'm sure they spoke to the lieutenant, because he
15 usually has to know why one of his workers is being modified.

16 Q. Did your lieutenant ever say anything to you about
17 the incident on July 8, 2004?

18 A. No.

19 Q. Were you required to obtain authorization to look
20 at computer records concerning this investigation, and the
21 investigation into Vasquez?

22 MR. GREENWALD: You previously asked him
23 whether he did that, and he said no.

24 MS. WALKER-DIALLO: I don't think my question
25 was whether he did it.

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1 Q. I am asking, would you have to, the procedure, if
2 you know it, have to obtain authorization? Let's say you
3 wanted to look at the file, would you have to obtain
4 authorization before you can look at the file?

5 MR. GREENWALD: Over objection, I will allow
6 him to answer.

7 A. My knowledge of the investigations is, each group
8 conducts their own investigation. I am not privy to that
9 group's investigations. I can't go into a computer and look
10 at their records because when it's something -- when it's a
11 high-profile case, they could put encrypted messages into the
12 computer so you really -- and our group wasn't privy to the
13 information or the investigation from group 41.

14 MR. GREENWALD: Is there a code to access the
15 file?

16 THE WITNESS: Like I said, we can't really go
17 into their files. Unless it's common knowledge
18 that there is a log-out, we can see the log because
19 it's common knowledge, it's out there in the
20 computer, but we can't really look at their
21 investigations.

22 MR. GREENWALD: You're not allowed to or
23 you're not able to.

24 THE WITNESS: You're not able to.

25 Q. Is it your testimony that the investigation

DONES

1 into Mr. Diaz, to your knowledge, that was by group 51; is
2 that correct or am I totally wrong?

3 A. It's group 41.

4 Q. To your knowledge, you didn't have the ability to
5 access group 41's investigation?

6 A. To my knowledge, yes.

7 Q. Mr. Dones, we are now coming to the conclusion of
8 today's deposition. I have some final questions for you.
9 Did you understand all of the questions that I asked?

10 A. Basically, yes.

11 Q. Did you answer all of the questions truthfully?

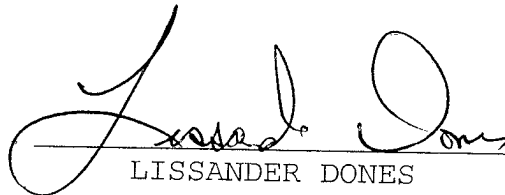
12 A. Yes.

13 Q. Do you want to change any of your answers?


14 A. Not that I can remember, no.

15 MS. WALKER-DIALLO: Thank you for your time.

16 (Whereupon, at 3:15 P.M., the Examination of
17 this witness was concluded.)

18
19
20 
LISSANDER DONES

21
22 Subscribed and sworn to before me
23 this 17 day of March, 2008.

24 
25 NOTARY PUBLIC

Ricardo S. Castro
Notary Public, State of New York
No. 01CA5041272
Qualified in Bronx County
Comm Exp. 03/06/11

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1 E X H I B I T S

2 DEFENDANTS' EXHIBITS:

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4 EXHIBIT	EXHIBIT	PAGE
5 LETTER	DESCRIPTION	

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7 A	Memo from Detective Dones to	
8	Phil Karysek	62

9 B	Handwritten memo	64
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10 C	Complaint	67
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11 D	NYPD Log	79
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12

13

14 I N D E X

15

16 EXAMINATION BY	PAGE
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17 MS. WALKER-DIALLO	3
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18

19

20

21 INFORMATION AND/OR DOCUMENTS REQUESTED

22 INFORMATION AND/OR DOCUMENTS	PAGE
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23 Fill in Date of G015 Hearing	61
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C E R T I F I C A T E

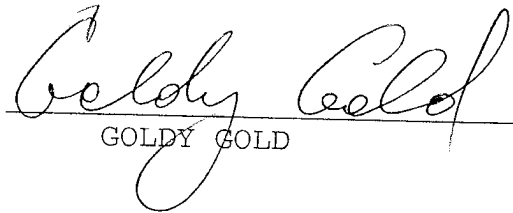
STATE OF NEW YORK)
 : SS.:
COUNTY OF NEW YORK)

I, GOLDY GOLD, a Notary Public for and within
the State of New York, do hereby certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and that such
examination is a true record of the testimony given by that
witness.

I further certify that I am not related to any
of the parties to this action by blood or by marriage and
that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand
this 3rd day of March, 2008.


GOLDY GOLD

Look-See Concordance Report

UNIQUE WORDS: 1,314
TOTAL OCCURRENCES: 5,026
NOISE WORDS: 384
TOTAL WORDS IN FILE: 16,159

SINGLE FILE CONCORDANCE

CASE SENSITIVE

INCLUDES ALL TEXT
OCCURRENCES

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